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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,830	03/03/2004	Kazuhiro Andoh	112388.01	2514
25944	7590	08/25/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ROJAS, BERNARD	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,830

Applicant(s)

ANDOH ET AL.

Examiner

Bernard Rojas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14, 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al. [US 5,423,117].

Claim 1, Okada et al. discloses an electromagnetic switch with a bobbin [10], a plate-like terminal [11] having a first end and a second end, the first end being attached to the bobbin [via 22] in an axial direction of the bobbin, an excitation coil [12] wound around the bobbin, an end of the excitation coil [12a] being pulled out the bobbin [24, 25] and connected to the terminal and a cover [13] mounted on the terminal, wherein terminal passes through the cover in the axial direction [figure2].

Claim 2, Okada et al. discloses that the bobbin has a first flange [10b] and a second flange [10c], and the first flange has a terminal holder [22] that protrudes from the first flange in the axial direction and defines a slot on an axial end surface to receive the first end of the terminal [figure 2].

Claim 3, Okada et al. discloses that the terminal holder provides longitudinal walls protruding in the axial direction on both sides of the slot [figure 2].

Claim 4, Okada et al. discloses that the terminal holder defines a slit [24, 25] to hold the excitation coil pulled out of the bobbin.

Claim 6, Okada et al. discloses that the end of the excitation coil is welded to the terminal [col. 3 lines 40-45].

Claim 8, Okada et al. discloses that the cover defines a through hole [13a] to provide the terminal pass through.

Claim 12, Okada et al. discloses that the terminal holder is one of a pair of terminal holders that are located on the first flange and spaced apart from each other [figure 2].

Claim 13, Okada et al. discloses that the terminal holder provides a wall portion protruding in the axial direction along the terminal for restricting the terminal from moving in a thickness direction of the terminal [figure 2].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered

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therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. [US 5,423,117].

Claim 5, Okada et al. discloses that the claimed invention except for terminal provides an arm portion to fasten the end of the excitation coil . It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an arm at the end of the terminal in order to increase the surface area, and the number of times the excitation coil conductor can be wound around the terminal.

Claim 7, Okada et al. discloses the claimed invention except for first end of the terminal having a serrated portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a serrated portion at the end of the terminal that contact the bobbin in order to facilitate its attachment to the bobbin by increasing the surface for the use of adhesive to bond the terminal and the bobbin.

Claims 9 and 10, Okada et al. discloses that the covers [13] functions as a resilient sealing cover members 13 of electrically insulating material that are fitted on base end portions of the coil terminals. It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to make a separate cover member and a seal instead of an integral cover/seal member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Claim 11, Okada et al. discloses that the sealing member has a projection [13a] on an outer periphery.

Allowable Subject Matter

Claims 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Br



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